

### REMARKS/ARGUMENTS

Claims 1-17 were previously pending in the application. Claims 5, 6, 13, and 14 are cancelled, and claims 1, 9, and 16 are amended herein. Assuming entry of this amendment, claims 1-4, 7-12, and 15-17 are now pending in the application. The Applicant hereby requests further examination and reconsideration of the application in view of these remarks.

On page 3 of the office action, the Examiner rejected claims 16 and 17 under 25 U.S.C. 101 as being directed to non-statutory subject matter because the "Applicant claims a machine-readable medium, wherein the medium can be a transmission medium." The Examiner then cites to paragraph 45 of the Applicant's specification, arguing that "applicant claims a machine readable medium 'transmitted over some transmission medium such as over electrical wiring or cabling, through fiber optics, or via electromagnetic radiation. . .'" The Applicant has deleted the referenced portion of paragraph 45 but does not necessarily admit that the claims of the present application do not cover such embodiments.


On page 3 of the office action, the Examiner rejected claims 1-5, 7-13, and 15-17 under 35 U.S.C. 103(a) as being unpatentable over U.S. Application No. 2002/0029362 ("Stephen") in view of U.S. Patent No. 5,600,664 ("Hayashi").

Claim 1 has been amended to include the features of previously-pending claims 5 and 6. As such, currently-amended claim 1 is equivalent to previously pending claim 6 rewritten in independent form. Claim 9 has been amended to include the features of previously-pending claims 13 and 14. As such, currently-amended claim 9 is equivalent to previously pending claim 14 rewritten in independent form. Since the Examiner stated that previously pending claims 6 and 14 would be allowable if rewritten in independent form, the Applicant submits that currently-amended claims 1 and 9 are allowable. Likewise, claim 16 has been amended to contain similar limitation to those of claims 6 and 14 and is allowable for similar reasons. Since the rest of the claims depend directly or indirectly from claims 1, 9, or 16, it is further submitted that those claims are also allowable.

In view of the above remarks, the Applicant believes that all of the now-pending claims are in condition for allowance. Therefore, the Applicant believes that the entire application is now in condition for allowance, and early and favorable action is respectfully solicited.

Respectfully submitted,

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